

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT NORTH CAROLINA
WINSTON-SALEM DIVISION

IN RE:)	
)	
SHARON CARVER HUFFMAN,)	Case No. 23-50166
)	
)	Chapter 7
Debtor)	
_____)	

**BANKRUPTCY ADMINISTRATOR’S RESPONSE TO
MOTION TO REOPEN CASE**

The United States Bankruptcy Administrator (“BA”) responds to the debtor’s motion to reopen this chapter 7 case (the “Motion”) [Doc. No. 15] and states:

1. The debtor filed this case on March 24, 2023. The debtor received her discharge on July 6, 2023, and the case was closed on July 12, 2023.

2. The Motion seeks to reopen the case under section 350(b) to pursue automatic stay, discharge, and other federal and state law violations against creditor AvantCredit, LLC d/b/a Avant, LLC “on behalf of herself and one or more classes of similar [sic] situated individuals.” Thus, it appears the debtor contemplates the filing of a class action upon reopening.

3. Section 350(b) permits reopening “to administer assets, to accord relief to the debtor, or for other cause.” 11 U.S.C. § 350(b). Reopening is discretionary, and courts consider such factors as prejudice to the parties and delay between case

closing and the request to reopen. *See, e.g., In re Rising*, No. 07-50123, 2015 WL 393416, at *2 (Bankr. M.D.N.C. Jan. 8, 2015) (James, J.).

4. The BA does not oppose the Motion. The debtor filed the Motion less than a year after the case was closed. And reopening will accord relief to the debtor by at least allowing her to bring claims against Avant on her own behalf.

5. Whether a class should be certified under Federal Rule of Bankruptcy Procedure 7023 and Federal Rule of Civil Procedure 23 is a question to be addressed later, when the case is reopened, and an adversary proceeding is filed.

6. The BA recommends that the Chapter 7 Trustee not be reappointed upon reopening.

Respectfully submitted on April 24, 2024.

JOHN PAUL H. COURNOYER
U.S. BANKRUPTCY ADMINISTRATOR

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CERTIFICATE OF SERVICE

This is to certify that, on this date, the foregoing document was served upon the following parties or counsel by electronic mailing or by depositing a copy in the United States mail, first class, postage prepaid, addressed as follows:

SERVED BY CMECF

James C. Lanik

Erik A. Martin

Erica Capron NeSmith

Dated: April 24, 2024

/s/ Sarah D. Bruce

Sarah D. Bruce